

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2990

Mr. BINGAMAN. Madam President, I call up for consideration amendment No. 2990 dealing with U.S.-Mexico energy technology cooperation.

The PRESIDING OFFICER. The amendment is now pending.

Mr. BINGAMAN. Madam President, this amendment is one I offered on behalf of myself and Senator DOMENICI. It is an amendment that was adopted by the 106th Congress. It merely tries to ensure maximum possible cooperation between our two countries along our common border on issues related to health and energy production and to ensure that the Department of Energy environmental management technologies are used to help clean up serious and pressing public health problems along the border.

This is an amendment that I believe has strong support on all sides. I believe it has been cleared on both sides. I urge it be adopted.

Mr. MURKOWSKI. Madam President, we have agreed to it on our side, and I urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? There being none, the question is on agreeing to amendment No. 2990.

The amendment (No. 2990) was agreed to.

Mr. BINGAMAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BINGAMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2989 TO AMENDMENT NO. 2917, AS FURTHER MODIFIED

Mr. BINGAMAN. Madam President, I ask for the regular order to return to the Feinstein amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. BINGAMAN. Madam President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FAIR ACT

Mr. THOMAS. Madam President, I rise to discuss an event that happened last week in which I was very disappointed. It was a hearing we had on the FAIR Act or private contracting of Government activities where it is appropriate under what is called the FAIR Act, which was passed in 1998.

This was to have been a committee hearing about how you can best do

what has been a policy for a very long time; that is, to take those activities within the Federal Government which are not integral to the Government and give the private sector a chance to bid and do those kinds of things.

Even though it has not been implemented as it could be and should be, it has been the policy for a very long time—20, 25 years—to do that, to take those things that are not specifically and inordinately Federal activities that could be done and could be done more efficiently by the private sector. So in 1998, we passed a bill called the FAIR Act which required that there be an analysis of all the Government activities in most of the agencies, determine which of those would be eligible for outside contracting, and then move forward on that.

I had hoped to testify before the committee. It turned out that I was not available, and also, they thought they had a balance. As I read about it—and I have a couple things I want to put in the CONGRESSIONAL RECORD—it turned out not to be a balanced hearing at all. It turned out to be kind of a pro-union rally in which they accidentally had to have it at a time when practically all the Government unions were meeting here. So they had about 250 members there, which is fine except they didn't have a balanced approach to the program.

I was advised that the hearing was going to be evenly balanced, and it couldn't have been more unbalanced, according to what was written about it. It was regarding the Government contracting. This is a very important issue to me for several reasons. One is, it is the most efficient way to get some of the jobs done that are available to be done in the Federal Government. The other is, I am one who thinks it is a good idea to reduce and hold down as low as possible the numbers in the Federal Government and allow the private sector to do all those jobs that can be done by the private sector. And that was the idea of the FAIR bill which was signed into law in 1998.

Again, it was designed to identify positions within the Federal agencies that are not inherently governmental. For about 50 years we have had a policy that said basically: It will not start or carry out any commercial activities to provide a service or product for its own use if such product or service can be procured from private enterprise through ordinary business channels.

That has been the notion that, in my view, has not been implemented nearly as it might be. Nevertheless, it is the concept, and it is a great concept. Unfortunately, this hearing indicated that several of the members who were there certainly don't want to find any ways—to generally quote them—that we would diminish the size of Government, that we would put at risk any Federal jobs. The fact is, this seldom puts at risk Federal jobs.

What it does is, as new jobs come up, new programs and projects come up

that are not inherently governmental. Then they can be put out to the private sector and, indeed, be competitive.

Conceptually, I certainly agree with this. I am surprised to find a number of members who were at the hearing who apparently do not agree with that and don't agree that the private sector ought to be able to compete at all with the Federal Government. They were very precise about that.

I do not agree with that. We were able to pass a bill with a number of hearings last year, Chairman THOMPSON and his committee. He was there, by the way, and said some pretty reasonable things about it. This was widely heard last year and passed very strongly.

It requires the Federal agencies to list commercial jobs. Inventories showed in 1999, kind of the initial inventory, that nearly 1 million Federal employees are engaged in commercial activities. These are services that can be found in the yellow pages from small businesses and firms throughout the country. Under the Clinton administration, the FAIR Act inventory served as no more than a list. Nothing was ever done about it. So last year, the Bush administration announced it was requiring all Federal agencies to convert 5 percent of the jobs listed in the FAIR Act as public and private competition or contract to the private sector.

In the course of the hearing, of course, the witnesses they had said the percentages were not necessarily the only percentages that could be considered. But the fact is, it did begin for the first time a planned effort to point out those kinds of jobs that could be in the private sector. I know this is fiercely denied and opposed by those who want more Government, who want to actually spend more and have larger Government. That is not really what this is all about.

The fact is, we do need to find a way to have an inventory, to find a way to have an opportunity for the private sector to look into those jobs—not all the jobs, of course, only those that are inherently not involved as governmental functions.

I hope we can go back to the core of what that bill is about. And that is the objective way, not putting at risk public employees but finding, as these jobs are created, that there is a place to be able to do that in the private sector.

I am hopeful we can continue to explore that, as, in fact, it is a law. Therefore, I would like very much to be able to pursue that. I want my friends on the committee to know I, for one, fiercely oppose the idea to gut the FAIR Act, and I want to make that point and continue to pursue it as time goes by.

COLONEL ROBERT S. HART

Mr. LOTT. Madam President, I would like to bring to your attention today the exemplary work and most commendable public service of one of our

country's outstanding military leaders, Colonel Robert S. Hart, Commander, 403d Operations Group. Unfortunately, Colonel Hart's service to his country ended on February 16, 2002 when he unexpectedly passed away.

Colonel Hart entered the Air Force in 1973 through the Air Force Reserve Officer's Training Corps program. His early assignments included Williams Air Force Base, AZ, and Charleston Air Force Base, SC, where he finished his active duty career in October 1979. He entered the Air Force as a pilot and continued to fly throughout his career. He joined the Air Force Reserve in July 1980. In 1981 he was the Chief of Standardization for the 300th Military Airlift Squadron, Charleston Air Force Base, SC. From 1992 to 1998 he was the Aircraft Operations Officer for the 701st Airlift Squadron at Charleston Air Force Base. For the first half of 1998 he was the Airlift Operations Officer for the 707th Airlift Squadron also at Charleston Air Force Base; the remainder of 1998 to December 1999, he was the Commander of the 707th Airlift Squadron. He joined the 403d Wing in December 1999, where he was the commander of the 403d Operations Group. As the commander of the 403d Operations Group, he was responsible for the training and mission execution of the 53rd Weather Reconnaissance Squadron, the 815th Airlift Squadron, and the 41st Aerial Port Squadron at Keesler Air Force Base, MS; and, the 96th Aerial Port Squadron at Little Rock Air Force Base, AR.

Colonel Hart was born in Abilene, TX. His father and mother, John and Mary Hart, reside in Eastland, TX. Colonel Hart earned a Bachelor of Art's degree in business and administration management at Texas Tech University. He is a graduate of Squadron Officer School, Air Command and Staff College, and Air War College. He held the rating of command pilot with more than 8,850 flight hours. He has flown the following aircraft: T-37B, T-38A, C-141A/B and C-130. His military decorations include the Meritorious Service Medal with one oak leaf cluster; the Aerial Achievement Medal; the Air Force Commendation Medal with one oak leaf cluster; the Joint Meritorious Unit Award; the Air Force Outstanding Unit Award with five devices; the Combat Readiness Medal with eight devices; the National Defense Service Medal with one device; the Armed Forces Expeditionary Medal with one device; the Southwest Asia Service Medal with three devices; the Armed Forces Service Medal; the Humanitarian Service Medal with three oak leaf clusters; the Air Force Longevity Service Award with five devices; the Armed Forces Reserve Medal with two devices; the Air Force Training Ribbon; the Kuwait Liberation (Saudi Government) Medal; and, the Kuwait Liberation (Kuwait) Medal for his service in Operation DESERT SHIELD/STORM.

Colonel Hart served his nation for 29 years distinguishing himself while up-

holding the core values of the U.S. Air Force—Integrity First, Service Before Self, and Excellence In All We Do. He was a true Citizen Soldier, always ready to answer his nation's call. On behalf of a grateful nation, I ask you to join me, my colleagues in the senate and Colonel Hart's many friends and family in saluting this distinguished officer's many years of selfless service to the United States of America. I know our Nation, his wife Karen, and his family are extremely proud of his accomplishments. It is fitting that the U.S. Senate honor him today.

#### LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred February 24, 2002 in Santa Barbara, CA. A gay man, Clint Scott Risetter, 37, was doused in gasoline and set on fire while he was sleeping. The assailant, Martin Thomas Hartman, 38, confessed to the murder, and said that the victim "deserved to die" for being gay. Hartman is being charged with murder, arson, and a hate crime in connection with the incident.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

#### THE PIPELINE SAFETY IMPROVEMENT ACT OF 2002

Mr. BREAUX. Madam President, I rise in support of amendment No. 2979 to S. 517, the Pipeline Safety Improvement Act of 2002, which will enhance the safety of our interstate pipeline systems. As you may recall, the Senate passed this legislation last February as one of the first orders of business of the 107th Congress. This bill is the product of over 3 years of work and recent compromise and I urge my colleagues to join me in support.

The aim of the bill is to ensure the safety and security of natural gas and hazardous liquid pipelines. I appreciate the considerable number of hours that went into creating this bill by all of the parties. I also am satisfied by the spirit of compromise that infused the parties' diligent efforts. As a result of their cooperative work we have a bill that reaffirms our efforts to oversee the safety of gas and hazardous liquid pipelines effectively without interfering with the pipeline operators and owners ability to provide service to our

nation and without compromising national security.

Last Congress, the Senate passed an almost identical version of this bill by unanimous consent. Unfortunately, in my opinion, the bill was not passed by the House of Representatives under the expedited procedures of suspension of the rules, because it did not pass with a two-thirds majority, although a majority supported the measure, 232-158.

Last February, the Senate again approved this bipartisan legislation, yet we are still awaiting action by the House on this measure. Today, we are offering this legislation as an amendment to S. 517 in an effort to focus attention on this important safety matter and work toward reconciling our legislation with the House of Representatives. I hope that we can continue to work with all of the interested parties as the legislation moves through the legislative process.

Over the past few years, we have experienced two major pipeline accidents, one in Bellingham, WA, and the other near Carlsbad, NM. While these tragic accidents happened, we need to take all necessary steps to ensure that other accidents are not waiting to happen. I think that this legislation will increase the tools available to OPS to ensure that our pipeline system is as safe as possible. I would ask that OPS use the tools that we provide to ensure the appropriate level of oversight of pipeline safety practices.

While there were many who worked with Senators MCCAIN and HOLLINGS on the Commerce Committee to ensure passage of pipeline safety legislation, I would like to recognize, in particular, the efforts of Senators MURRAY and BINGAMAN. Senator MURRAY doggedly pursued changes to increase the level of safety and public participation in pipeline safety, and she worked closely with other Commerce Committee members to ensure a reasonable and fair compromise. Senator BINGAMAN was instrumental in helping bolster the bill's provisions on research and development, in fact, he authored provisions to focus our research on progressive areas that will help us develop better systems of early detection, and to ensure that we can avoid accidents such as those that occurred in Bellingham, WA, and near Carlsbad, NM.

A floor amendment which was accepted during consideration of S. 235 last February mandates a 5-year integrity inspection period for pipelines. Since passage of the S. 235 last February, I understand that studies, conducted by Batelle and Energy and Environmental Analysis, Inc., indicate that a 5-year period for integrity inspections will cause significant impacts on natural gas consumers as a result of pipeline capacity reductions resulting from such a short inspection period. I want to bring these studies to the attention of my colleagues as we prepare to move this important piece of pipeline safety legislation to conference.